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VIA ECFS

March 20, 2019

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attention: Wireline Competition Bureau

**Re: Reservation Telephone Cooperative and
Qwest Corporation d/b/a CenturyLink QC
Joint Petition for Study Area Waiver
CC Docket No. 96-45**

Dear Ms. Dortch:

On behalf of Reservation Telephone Cooperative and Qwest Corporation d/b/a CenturyLink QC ("Joint Petitioners"), please find enclosed the Joint Petition for Waiver of the Definition of "Study Area" of the Appendix-Glossary of Part 36 of the Commission's Rules and Waiver of Section 69.3(e)(11) of the Commission's Rules.

Inquiries may be directed to the undersigned consultant for the Joint Petitioners.

Sincerely,

John Kuykendall
Vice President
jkuykendall@jsitel.com

Enclosure

Echelon Building II, Suite 200
9430 Research Blvd., Austin, TX 78759
phone: 512-338-0473, fax: 512-346-0822

Eagandale Corporate Center, Suite 310
1380 Corporate Center Curve, Eagan, MN 55121
phone: 651-452-2660, fax: 651-452-1909

3440 Blue Springs Rd. NW, Suite 503
Kennesaw, GA 30144
phone: 770-569-2105, fax: 770-410-1608

547 South Oakview Lane
Bountiful, UT 84010
phone: 801-294-4576, fax: 801-294-5124

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Reservation Telephone Cooperative)	
)	
and)	
)	CC Docket No. 96-45
Qwest Corporation d/b/a CenturyLink QC)	
)	
Joint Petition for Waiver of the Definition of)	
“Study Area” of the Appendix-Glossary of)	
Part 36 of the Commission’s Rules;)	
Petition for Waiver of Section 69.3(e)(11))	
of the Commission’s Rules)	

JOINT PETITION FOR WAIVER

Pursuant to Section 1.3 of the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ Reservation Telephone Cooperative (“RTC”) and Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”) (collectively, “Petitioners”) hereby request a waiver of the Commission’s study area boundary freeze codified in the Appendix-Glossary of Part 36 of FCC rules.² Petitioners seek waiver to expand the RTC Alexander exchange in the state of North Dakota to include North Dakota portions of the CenturyLink Fairview and Sidney exchanges. Petitioners also request waiver of Section 69.3(e)(11) of the Commission’s rules in order that RTC may participate in the National Exchange Carrier Association, Inc. (“NECA”) tariff pool upon closing of the transaction.

¹ 47 C.F.R. § 1.3.

² 47 C.F.R. Part 36 Appendix (“Study Area. Study area boundaries shall be frozen as they are on November 15, 1984.”)

I. INTRODUCTION AND SUMMARY

RTC is a rate-of-return cost incumbent local exchange carrier (“ILEC”) that owns and operates approximately 8,610 access lines and 4,035 data only lines in 20 exchanges throughout northwestern North Dakota, Study Area Code 381632. CenturyLink is a price cap ILEC that operates in 26 North Dakota exchanges, Study Area Code 385144, including rural North Dakota portions of the Fairview and Sidney exchanges that are adjacent to the RTC Alexander exchange. RTC has received six (6) requests for service in the rural North Dakota Sidney exchange, and CenturyLink has agreed to release to RTC the requesting customers as well as the portions of the Fairview and Sidney exchanges identified on the map provided at Exhibit A. In addition, RTC anticipates up to 34 additional requests for service in the coming weeks. The new RTC study area boundary will extend approximately six (6) miles west, and approximately 16 miles north and south, to be incorporated into the existing RTC Alexander exchange.

The six (6) requesting customers, four (4) residential households and two (2) school locations, currently receive voice service from CenturyLink. However, no CenturyLink network assets will be transferred to RTC. Instead, RTC will overbuild facilities to serve customers in the expanded Alexander exchange areas with voice and broadband services.

II. WAIVER STANDARD

In general, the FCC’s rules may be waived for good cause shown.³ Waiver is appropriate where the “particular facts would make strict compliance inconsistent with

³ 47 C.F.R. § 1.3.

the public interest.”⁴ The FCC may grant a waiver of its rules where the requested relief would not undermine the policy objective of the rule in question, special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁵

Part 36 of the Commission’s rules which freezes study area boundaries effective November 15, 1984 is intended to prevent ILECs from establishing separate study areas made up only of high-cost exchanges to maximize their receipt of high-cost universal service support. The Commission adopted a two-prong standard for evaluating petitions for study area waiver: (1) the state commission having regulatory authority over the transferred exchanges does not object to the transfer and (2) the transfer must be in the public interest.⁶

III. WAIVER IS JUSTIFIED

A. State Commission Does Not Object to Transfer of Exchange

On November 20, 2018, the North Dakota Public Service Commission (“ND PSC”) approved Petitioners’ joint application to modify serving territories whereby the ND PSC approved the change in exchange boundaries between RTC’s Alexander exchange and CenturyLink’s Sidney and Fairview exchanges (see Exhibit B, ND PSC Motion and Amended Certificates of Public Convenience and Necessity).

⁴ See *AT&T Wireless Services, Inc. et al. v. Federal Communications Commission*, No. 00-1304 (D.C. Cir. 2001), citing *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“*Northeast Cellular*”).

⁵ See generally, *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); see also *Northeast Cellular* (D.C. Cir. 1990).

⁶ See *Connect America Fund et al.*; WC Docket Nos. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) *aff’d sub nom.*, *In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014) at 265.

B. Expansion of the RTC Study Area is in the Public Interest

1. Number of Lines at Issue

The existing CenturyLink access lines in the expanded RTC Alexander exchange total approximately 40 lines. These customers receive voice service only from CenturyLink over aging facilities that require frequent maintenance, with virtually no broadband service available. RTC is prepared to construct new facilities which will provide reliable advanced telecommunications voice and will more than meet the Commission's benchmark of 25/3 Mbps for broadband service. RTC will offer a minimum of 100/100 Mbps service, with up to 1/1 Gbps service available. Service will be provided initially to the requesting customers in the acquired portion of the Sidney exchange, and RTC is committed to prudent investment to provide voice and broadband services anywhere within the expanded study area upon reasonable request.

2. Projected Universal Service Fund Cost Per Line

CenturyLink receives no CAF Phase I or II support in the areas acquired by RTC. The census blocks in the expanded RTC Alexander exchange are extremely high cost blocks that were not claimed in CAF Phase II Auction 903. See Exhibit C list of census blocks of the locations impacted by the requested waiver. As RTC will overbuild facilities and no CenturyLink network assets are being transferred, customers in the expanded area will be treated as new customers for purposes of CAF-ICC. It is anticipated that additional access and Access Recovery Charge revenue will result in reduced CAF-ICC support.

RTC will incur costs associated with the addition of the approximately 40 additional customers. To build out to these additional customers RTC estimates it will

cost \$336,250. They will be constructing fiber facilities to each of the locations out of the Alexander exchange. With this additional cost, we estimate that it will increase total USF by approximately \$9,718 per year in additional funding.

C. Waiver of Section 69.3(e)(11) of the Commission's Rules is Warranted

RTC also requests waiver of Section 69.3(e)(11) in order to allow it to include the expanded Alexander exchange area access lines, revenues and investment in the National Exchange Carrier Association ("NECA") tariff process. The inclusion of the small number of additional access lines in the NECA carrier common line tariff would represent a minimal increase in NECA common line pool participation and would remove a significant burden in administrative costs to separately file an interstate ILEC tariff until the next annual access tariff filing effective following grant of the Petition.

IV. Conclusion

As demonstrated herein, "good cause" exists for grant of this waiver. The locations within the expanded RTC Alexander exchange areas are unserved to the extent that there is no broadband service available over CenturyLink facilities. The public interest will be served in the transfer of the identified portions of the CenturyLink Fairview and Sidney exchanges to RTC in order that reliable voice and robust broadband services may be available in 2019 to the six (6) requesting customers, as well as to the entirety of the expanded Alexander exchange going forward. Petitioners' requested modification of study area boundaries will not unduly burden the universal service fund. It will, however, provide for advanced telecommunications services in the expanded RTC Alexander exchange.

Respectfully Submitted,



By: Shane D. Hart
CEO/General Manager
RESERVATION TELEPHONE COOPERATIVE
PO Box 68
Parshall, North Dakota 58770



By: Andrew Schriener
Director of Government Affairs
CENTURYLINK
200 S 5th ST
Minneapolis, MN 55402

March 19, 2019

DECLARATION OF SHANE D. HART
RESERVATION TELEPHONE COOPERATIVE

I, Shane D. Hart, CEO/General Manager of Reservation Telephone Cooperative, do hereby declare under penalty of perjury that the statements made in this Joint Petition for Waiver are true and accurate to the best of my knowledge, information and belief.

Dated this 18th day of March, 2019.

Reservation Telephone Cooperative



By: Shane D. Hart

DECLARATION OF OF ANDREW SCHRINER
CENTURYLINK

I, Andrew Schriner, Director of Government Affairs of CenturyLink, do hereby declare under penalty of perjury that the statements made in this Joint Petition for Waiver are true and accurate to the best of my knowledge, information and belief.

Dated this 19 day of March, 2019.

CenturyLink


By: Andrew Schriner

EXHIBIT A

MAP

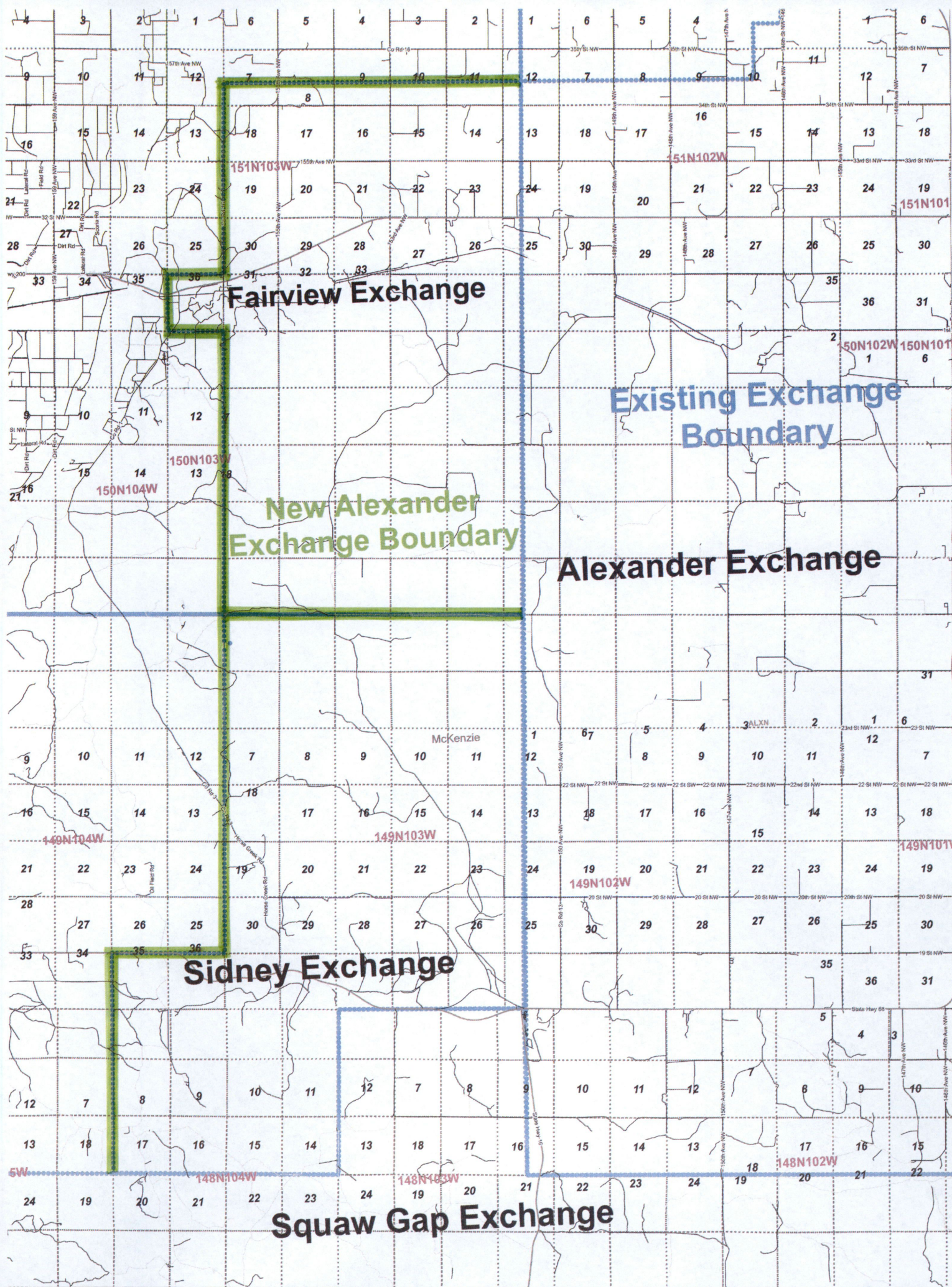


EXHIBIT B

NORTH DAKOTA PSC APPROVAL

AND

AMENDED CERTIFICATES

B1 – RTC Amended Certificate
Alexander Exchange

B2 – CenturyLink Amended Certificates
Fairview Exchange
Sidney Exchange

B1 – RTC Amended Certificate Alexander Exchange

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Reservation Telephone Cooperative / Qwest Corporation
Alexander / Sidney and Fairview
Exchange Boundary Agreement

Case No. PU-18-325

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **21st day of November, 2018**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

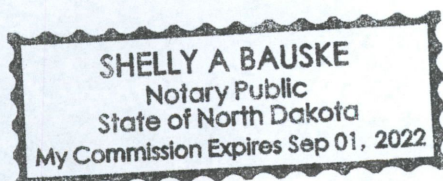
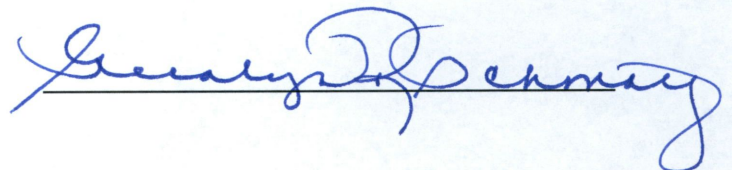
- **Motion**
- **First Amended Certificate of Public Convenience and Necessity No. 5535**

The envelope was addressed as follows:

Shane Hart, CEO/GM
Reservation Telephone Cooperative
PO Box 68
Parshall, ND 58770
Cert. No. 7018 0680 0001 3738 0868

The addresses shown are the respective addressee's last reasonably ascertainable post office address.

Subscribed and sworn to before me
this **21st day of November, 2018**.



SEAL



Notary Public

6 **PU-18-325** Filed: 11/21/2018 Pages: 4
Affidavit of Service, Cert. Mail – Motion, Amended
CPCN Certificate

Public Service Commission

APPROVED

DATE 11/20/2018

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Reservation Telephone Cooperative / Qwest
Corporation
Alexander / Sidney and Fairview
Exchange Boundary Agreement

Case No. PU-18-325

MOTION

November 20, 2018

I move the Commission approve changes in the exchange boundaries between Reservation Telephone Cooperative's Alexander exchange and Qwest Corporation's Sidney exchange and Fairview exchange, and issue amended certificates of Public Convenience and Necessity in Reservation Telephone Cooperative / Qwest Corporation, Alexander / Sidney and Fairview, Exchange Boundary Agreement, Case No. PU-18-325.

PJF

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

First Amended Certificate of Public Convenience and Necessity Number 5535

This is to certify that public convenience and necessity require, and permission is granted for Reservation Telephone Cooperative, a telecommunications public utility, to provide local exchange telecommunications services inside the Alexander, North Dakota local exchange area.

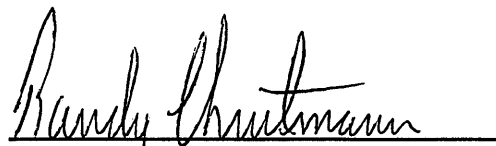
This certificate is issued in Case No. PU-18-325 and is conditioned upon Reservation Telephone Cooperative securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, November 20, 2018.

ATTEST:

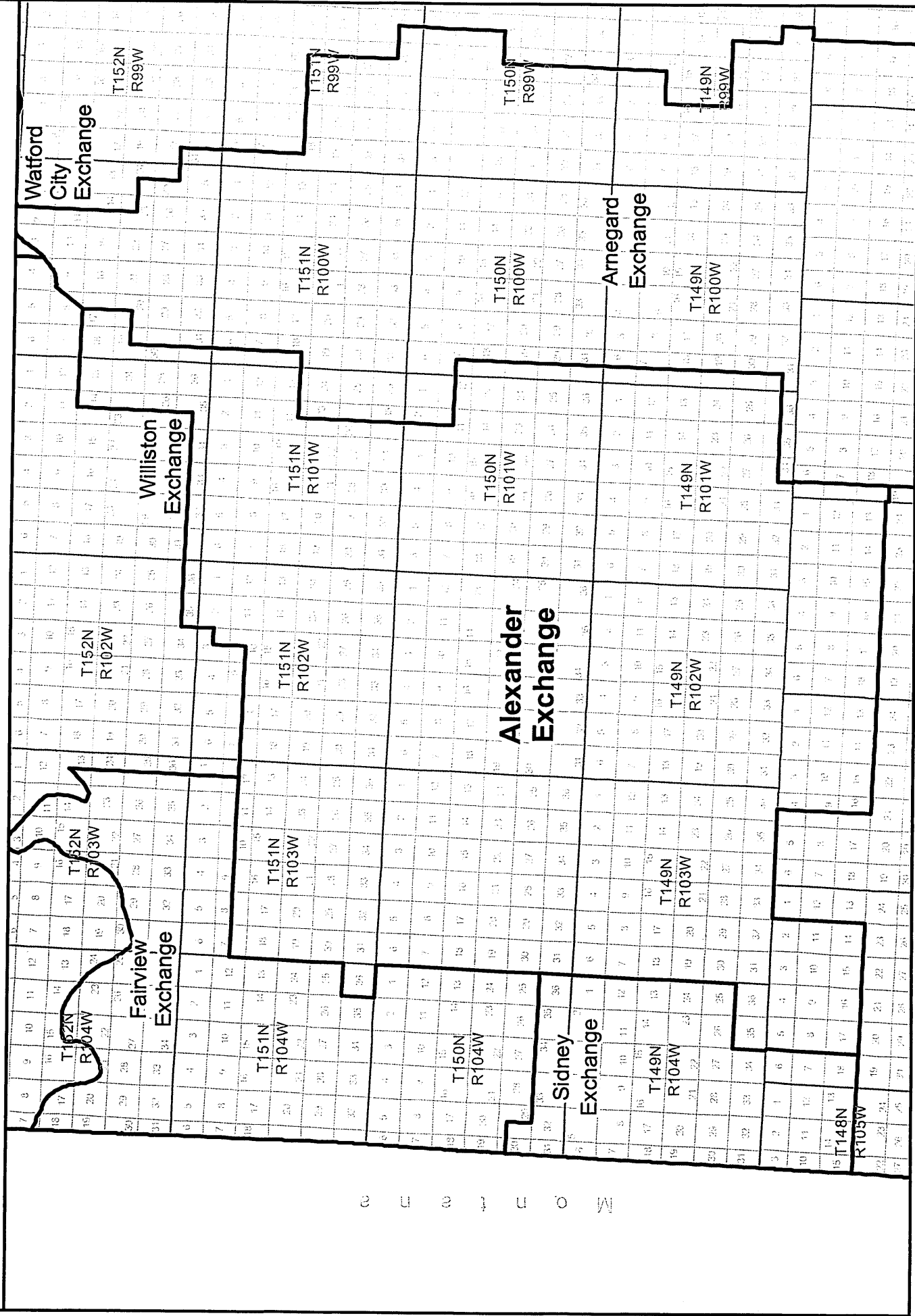
PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

NORTH DAKOTA EXCHANGE BOUNDARY MAP
RESERVATION TELEPHONE COOPERATIVE
ALEXANDER EXCHANGE

Date: 11/5/2018



B2 – CenturyLink Amended Certificates
Fairview Exchange
Sidney Exchange

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

Reservation Telephone Cooperative / Qwest Corporation
Alexander / Sidney and Fairview
Exchange Boundary Agreement

Case No. PU-18-325

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Geralyn R. Schmaltz deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **21st day of November, 2018**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

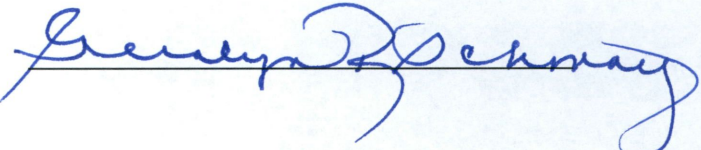
- **Motion**
- **First Amended Certificate of Public Convenience and Necessity No. 5672**
- **Second Amended Certificate of Public Convenience and Necessity No. 5691**

The envelope was addressed as follows:

Kent Blickensderfer, Director
CenturyLink-Legislative & Regulatory Affairs
North Dakota/South Dakota
220 N 5th Street
Bismarck, ND 58501
Cert. No. 7018 0680 0001 3738 0851

The addresses shown are the respective addressee's last reasonably ascertainable post office address.

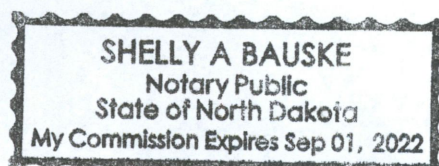
Subscribed and sworn to before me
this **21st day of November, 2018**.





Notary Public

SEAL



APPROVED

DATE 11/20/2018

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Reservation Telephone Cooperative / Qwest
Corporation
Alexander / Sidney and Fairview
Exchange Boundary Agreement

Case No. PU-18-325

MOTION

November 20, 2018

I move the Commission approve changes in the exchange boundaries between Reservation Telephone Cooperative's Alexander exchange and Qwest Corporation's Sidney exchange and Fairview exchange, and issue amended certificates of Public Convenience and Necessity in Reservation Telephone Cooperative / Qwest Corporation, Alexander / Sidney and Fairview, Exchange Boundary Agreement, Case No. PU-18-325.

PJF

PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

First Amended Certificate of Public Convenience and Necessity Number 5672

This is to certify that public convenience and necessity require, and permission is granted for Qwest Corporation, a telecommunications public utility, to provide local exchange telecommunications services inside the Fairview, North Dakota local exchange area.

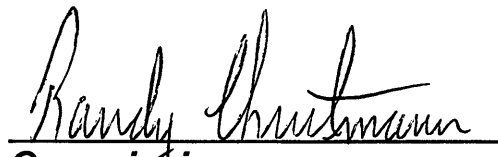
This certificate is issued in Case No. PU-18-325 and is conditioned upon Qwest Corporation securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, November 20, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION

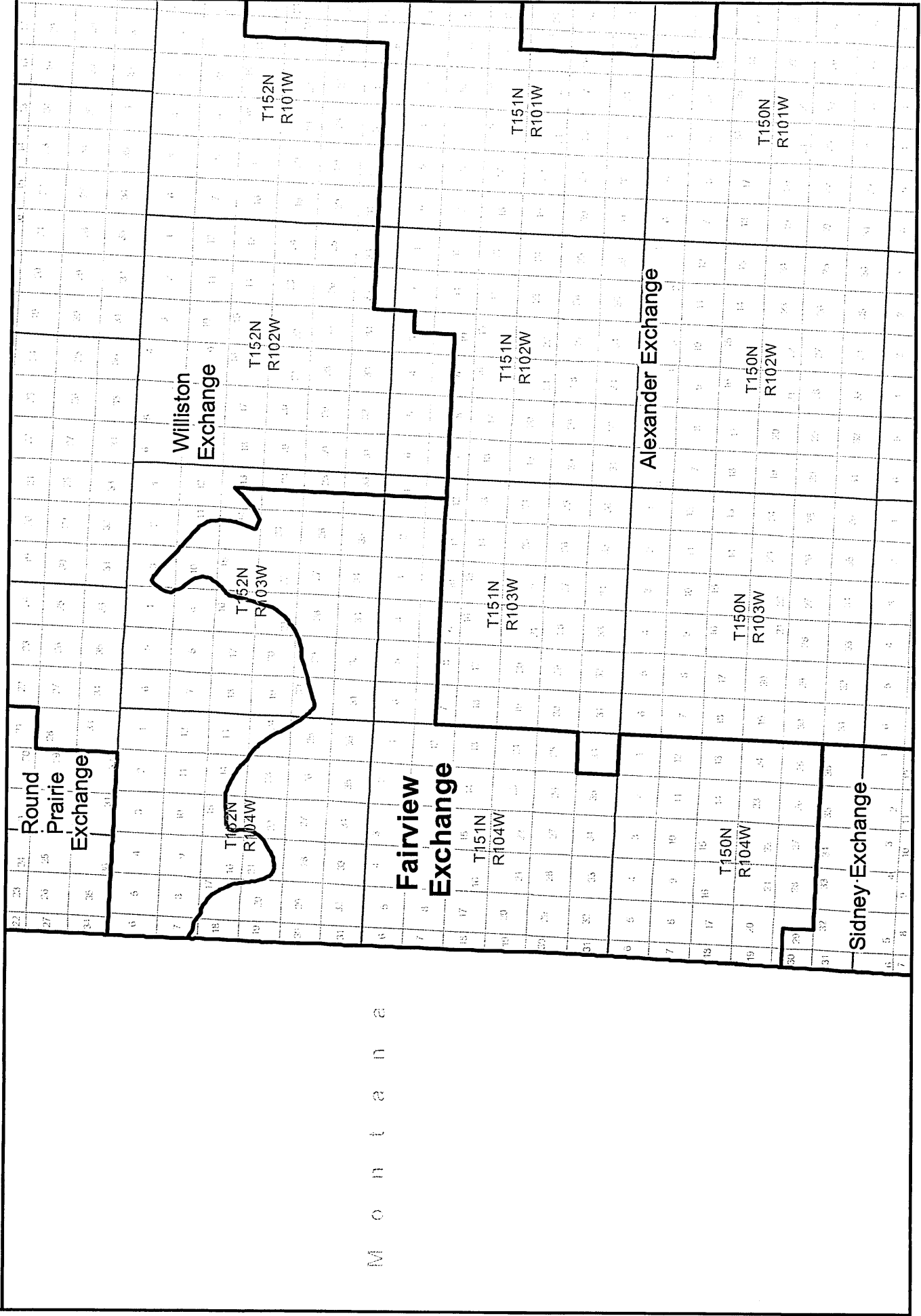

Executive Secretary


Commissioner

NORTH DAKOTA EXCHANGE BOUNDARY MAP

QWEST CORPORATION
FAIRVIEW EXCHANGE

Date: 11/5/2018



PUBLIC SERVICE COMMISSION

STATE OF NORTH DAKOTA

Second Amended Certificate of Public Convenience and Necessity Number 5691

This is to certify that public convenience and necessity require, and permission is granted for Qwest Corporation, a telecommunications public utility, to provide local exchange telecommunications services, to North Dakota end users, inside the Sidney, Montana local exchange area.

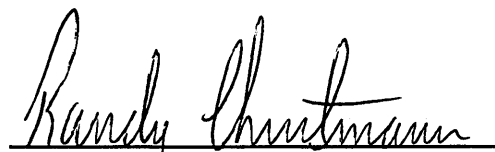
This certificate is issued in Case No. PU-18-325 and is conditioned upon Qwest Corporation securing the franchise or other authority of the proper municipal or other public authority for the exercise of these rights and privileges.

Bismarck, North Dakota, November 20, 2018.

ATTEST:

PUBLIC SERVICE COMMISSION


Executive Secretary


Commissioner

NORTH DAKOTA EXCHANGE BOUNDARY MAP
QWEST CORPORATION
SIDNEY EXCHANGE

Date: 11/5/2018

M O N I T A R

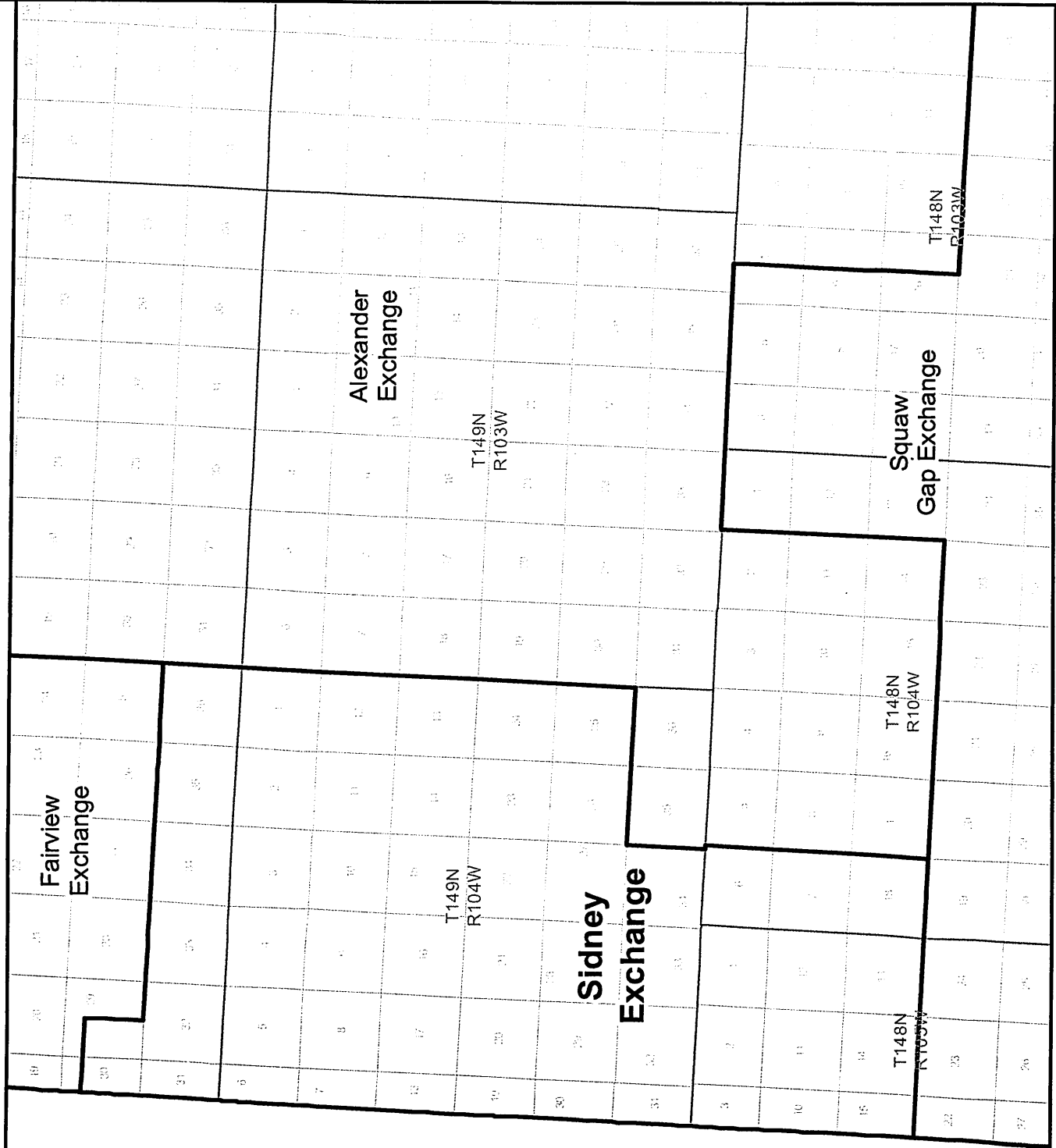


EXHIBIT C

CENSUS BLOCKS

EXPANDED AREA OF

RTC ALEXANDER EXCHANGE

STATE	COUNTY	TRACT	BLOCK	Census Block ID
North Dakota	McKenzie County	962500	1735	380539625001735
North Dakota	McKenzie County	962500	1153	380539625001153
North Dakota	McKenzie County	962500	1308	380539625001308
North Dakota	McKenzie County	962500	1472	380539625001472
North Dakota	McKenzie County	962500	1683	380539625001683
North Dakota	McKenzie County	962500	1155	380539625001155
North Dakota	McKenzie County	962500	1721	380539625001721
North Dakota	McKenzie County	962500	1707	380539625001707
North Dakota	McKenzie County	962500	1759	380539625001759
North Dakota	McKenzie County	962500	1722	380539625001722
North Dakota	McKenzie County	962500	1716	380539625001716
North Dakota	McKenzie County	962500	1917	380539625001917
North Dakota	McKenzie County	962500	1718	380539625001718
North Dakota	McKenzie County	962500	1724	380539625001724
North Dakota	McKenzie County	962500	1319	380539625001319
North Dakota	McKenzie County	962500	1301	380539625001301
North Dakota	McKenzie County	962500	1484	380539625001484
North Dakota	McKenzie County	962500	1470	380539625001470
North Dakota	McKenzie County	962500	1930	380539625001930
North Dakota	McKenzie County	962500	1916	380539625001916
North Dakota	McKenzie County	962500	1921	380539625001921
North Dakota	McKenzie County	962500	1703	380539625001703
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North Dakota	McKenzie County	962500	1306	380539625001306
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North Dakota	McKenzie County	962500	1755	380539625001755
North Dakota	McKenzie County	962500	1326	380539625001326
North Dakota	McKenzie County	962500	1738	380539625001738
North Dakota	McKenzie County	962500	1463	380539625001463
North Dakota	McKenzie County	962500	1702	380539625001702
North Dakota	McKenzie County	962500	1686	380539625001686
North Dakota	McKenzie County	962500	1321	380539625001321
North Dakota	McKenzie County	962500	1485	380539625001485
North Dakota	McKenzie County	962500	1473	380539625001473
North Dakota	McKenzie County	962500	1462	380539625001462
North Dakota	McKenzie County	962500	1156	380539625001156
North Dakota	McKenzie County	962500	1305	380539625001305
North Dakota	McKenzie County	962500	1302	380539625001302
North Dakota	McKenzie County	962500	1487	380539625001487
North Dakota	McKenzie County	962500	1928	380539625001928
North Dakota	McKenzie County	962500	1144	380539625001144
North Dakota	McKenzie County	962500	1476	380539625001476
North Dakota	McKenzie County	962500	1977	380539625001977
North Dakota	McKenzie County	962500	1704	380539625001704

STATE	COUNTY	TRACT	BLOCK	Census Block ID
North Dakota	McKenzie County	962500	1323	380539625001323
North Dakota	McKenzie County	962500	1148	380539625001148
North Dakota	McKenzie County	962500	1313	380539625001313
North Dakota	McKenzie County	962500	1158	380539625001158
North Dakota	McKenzie County	962500	1471	380539625001471
North Dakota	McKenzie County	962500	1937	380539625001937
North Dakota	McKenzie County	962500	1322	380539625001322
North Dakota	McKenzie County	962500	1315	380539625001315
North Dakota	McKenzie County	962500	1685	380539625001685
North Dakota	McKenzie County	962500	1687	380539625001687
North Dakota	McKenzie County	962500	1969	380539625001969
North Dakota	McKenzie County	962500	1938	380539625001938
North Dakota	McKenzie County	962500	1709	380539625001709
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North Dakota	McKenzie County	962500	1325	380539625001325
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North Dakota	McKenzie County	962500	1737	380539625001737
North Dakota	McKenzie County	962500	1332	380539625001332
North Dakota	McKenzie County	962500	1711	380539625001711
North Dakota	McKenzie County	962500	1733	380539625001733
North Dakota	McKenzie County	962500	1465	380539625001465
North Dakota	McKenzie County	962500	1464	380539625001464
North Dakota	McKenzie County	962500	1773	380539625001773
North Dakota	McKenzie County	962500	1154	380539625001154
North Dakota	McKenzie County	962500	1474	380539625001474
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North Dakota	McKenzie County	962500	1318	380539625001318
North Dakota	McKenzie County	962500	1688	380539625001688
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North Dakota	McKenzie County	962500	1713	380539625001713
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North Dakota	McKenzie County	962500	1480	380539625001480
North Dakota	McKenzie County	962500	1157	380539625001157
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North Dakota	McKenzie County	962500	1477	380539625001477
North Dakota	McKenzie County	962500	1309	380539625001309
North Dakota	McKenzie County	962500	1723	380539625001723
North Dakota	McKenzie County	962500	1919	380539625001919
North Dakota	McKenzie County	962500	1712	380539625001712

STATE	COUNTY	TRACT	BLOCK	Census Block ID
North Dakota	McKenzie County	962500	1719	380539625001719
North Dakota	McKenzie County	962500	1304	380539625001304
North Dakota	McKenzie County	962500	1320	380539625001320
North Dakota	McKenzie County	962500	1310	380539625001310
North Dakota	McKenzie County	962500	1303	380539625001303
North Dakota	McKenzie County	962500	1469	380539625001469
North Dakota	McKenzie County	962500	1475	380539625001475